

**CITY OF KANNAPOLIS, NC
BOARD OF ADJUSTMENT**

**Minutes of Regular Meeting
Tuesday, April 19, 2016**

The Board of Adjustment met on Tuesday, April 19, 2016 at 6:00 PM at the Kannapolis Train Station, 201 South Main Street, Kannapolis, North Carolina.

Board Members Present: Jeff Parker, Chairman
Jonathan Farmer, Vice-Chairman
Andrew Baker
Colby Meadows
Boyd Hardin
Scott Wilson
Ryan Craft

City Attorney: Walter Safrit, II

Board Members Absent: James Palmer

Visitors: Ben Lanzillotta
Al Patel
Caleb Tench
Brian Kanoff
Anita Byers

Staff Present: Zachary D. Gordon, AICP, Planning Director
Josh Langen, AICP, Senior Planner
Ryan Granata, AICP, Senior Planner
Tony Cline, Code Enforcement
Aaron Tucker, Planning Technician
David Jordon, IT

Recording Secretary: Pam Scaggs

CALL TO ORDER

Board Chairman Jeff Parker called the meeting to order at 6:00 P.M.

ROLL CALL AND RECOGNITION OF QUORUM

Chairman Parker called the roll. The presence of a quorum was recognized.

APPROVAL OF AGENDA

Chairman Parker asked for a motion to approve the agenda which was made by Mr. Farmer, seconded by Mr. Meadows and the motion was unanimously approved.

APPROVAL /CORRECTION OF MINUTES

Chairman Parker requested a motion to approve the March 2, 2016 minutes. Mr. Wilson noted changes that should be made. Chairman Parker requested a motion to approve the March 2, 2016 minutes with suggested changes which was made by Mr. Farmer, seconded by Mr. Meadows and the motion was unanimously approved.

1 **SWORN IN FOR TESTIMONY**

2 Staff members Zac Gordon and Josh Langen, Ben Lanzillotta with Bohler Engineering and Gary Sharpe.

3
4 **BOA-2016-03 – WATERSHED BOUNDARY MODIFICATION – LIDL**

5 Senior Planner, Josh Langen, gave a PowerPoint presentation regarding a request for a Watershed Boundary
6 Modification of the Lake Concord Watershed Critical Area boundary. The property is located at 901
7 Brentwood Court and is further identified as Cabarrus County PIN #5622-69-3764 and is zoned C2-CZ –
8 General Commercial – Conditional Zoning. The applicant is Bohler Engineering NC, PLLC. (the
9 “Applicant”).

10
11 Mr. Langen directed attention to the aerial and current zoning maps for the subject property as well as the
12 Future Land Use Map. Mr. Langen stated that the site plan for the project is currently under review but
13 that it has not yet been approved. He also stated that a portion of the subject property is located within the
14 Lake Concord Watershed Critical Protection Area which limits development to 24% of built-upon area.
15 The Applicant is proposing to grade the site so that the water drains in a different direction in order to
16 remove subject property from the watershed.

17
18 Mr. Langen direction attention to a Watershed Boundary Realignment map which was prepared by the
19 Applicant and depicts .207 acres added to, and 1.376 acres removed from the Coddle Creek Reservoir
20 Watershed Critical Area which will result in a net decrease of 1.169 acres from the Lake Concord Watershed
21 Critical Area. He stated that Wesley Webb, PE with City of Kannapolis Engineering Department is in
22 agreement with the request, materials and evidence presented by the Applicant. He also stated that Julie
23 Ventaloro with NC Division of Energy, Mineral and Land Resources has also preliminary approved the
24 request.

25
26 Mr. Langen reminded the Board that official approval cannot take place until the Board renders its decision
27 and the Planning and Zoning Commission subsequently modifies the City of Kannapolis Official Zoning
28 Map through a Zoning Map Amendment. He also stated that per Article 4, Section 4.16 of the Unified
29 Development Ordinance (UDO), the Board has the power to make adjustments to the exterior boundary of
30 Watershed Overlay Districts by removing all or part of the property from a Watershed Overlay District
31 where it finds that all or part of such property actually lies outside the drainage area of such Watershed.
32 Mr. Langen stated that a determination to modify the Watershed Overlay District should be based upon
33 actual field conditions of the property as determined by topographical conditions. He further stated that
34 site plans cannot receive final approval until a surveyor determines and certifies that grading has been
35 completed and that the subject property drains in such a way as to remove it from the Watershed Critical
36 Protection Area.

37
38 Mr. Langen stated that based upon the survey, representations of the Applicant, and concurrence of Wesley
39 Webb, P.E. of the City of Kannapolis Engineering Department, staff recommends approval of the requested
40 Watershed Boundary Alignment and made himself available for questions.

41
42 Chairman Parker asked where stormwater runoff would flow once the grading was completed? Mr. Langen
43 stated that he did not know the name of the watershed the runoff would flow to but that it was not a protected
44 watershed. Chairman Parker asked if the existing stormwater system on the subject property can be changed
45 to not flow into Lake Concord? Mr. Langen responded that once the grading has been completed and water
46 is flowing towards Dale Earnhardt Boulevard, the runoff would be captured by the City’s stormwater
47 system which is capable of handling the runoff. Chairman Parker asked if the City’s stormwater system
48 currently flows into Lake Concord? Mr. Langen responded that property to the north does flow to Lake
49 Concord but that grading will be done so that runoff flows to the south which does not flow into Lake
50 Concord.

1 There being no further questions or comments for Staff, Chairman Parker opened up the Public Hearing at
2 6:24 PM.

3
4 Ben Lanzillotta, Engineer with Bohler Engineering NC, PLLC, thanked the Board for their time and stated
5 that there is an existing catch basin system that will be utilized for this project so that water would then
6 flow to the Royal Oaks and Cold Water Creek basins which feed into Coddle Creek stream. He stated that
7 neither are protected basins and that both allow for an 80% build-upon area but that the proposed project
8 would only require 77% build-upon area. Mr. Lanzillotta directed attention to a map which depicts the area
9 that would be removed as well as the area that would be added to the Watershed Protected Area which will
10 be completed by grading the subject property.

11
12 Mr. Lanzillotta explained how the water would be captured as well as the equations used to determine the
13 flow rate as required by the UDO. He stated that any water that is in excess of the peak flow rate will not
14 only be retained but it will also be treated so that the public will not see an increase in peak flow rate nor a
15 decrease in water quality. Mr. Lanzillotta further explained that the subject property would be graded so
16 that in the event of an excessive storm, the run-off will still be directed away from the Watershed Protected
17 Area. Mr. Lanzillotta added that the area of the subject property that will be added to the Watershed
18 Protected Area will not be built upon. He stated that it is currently pervious and will remain pervious after
19 construction is complete.

20
21 Mr. Lanzillotta stated that they believe their proposal is reasonable and that they will be able to accomplish
22 what is being proposed so that the Watershed Protected Area will not be affected. He made himself
23 available for questions.

24
25 Attorney Safrit asked Mr. Lanzillotta if he was the project engineer for the proposed project? Mr.
26 Lanzillotta responded "yes". Attorney Safrit asked if he works for Bohler Engineering? Mr. Lanzillotta
27 responded "yes". Attorney Safrit asked if Mr. Lanzillotta is an employee of Bohler Engineering? Mr.
28 Lanzillotta responded "yes". Attorney Safrit asked if he prepared the survey that was presented? Mr.
29 Lanzillotta responded that it was prepared by a licensed sub-contractor. Attorney Safrit asked if he can
30 testify as to the accuracy of the survey as well as the topographical condition of the subject property? Mr.
31 Lanzillotta responded "yes". Attorney Safrit asked if Mr. Lanzillotta can testify as to the current location
32 of the subject property boundaries as well as the location of the Watershed Protected Area boundaries? Mr.
33 Lanzillotta responded "yes". Attorney Safrit asked Mr. Lanzillotta to confirm that .207 acres will be added
34 to and 1.376 acres removed from the Lake Concord Watershed Critical Area? Mr. Lanzillotta confirmed
35 and stated that he measured himself. Attorney Safrit asked him to also confirm that the NC Division of
36 Energy, Mineral and Land Resources has preliminarily approved the proposed boundary adjustment? Mr.
37 Lanzillotta confirmed.

38
39 Gary Sharpe, 2422 Forrestbrook Drive, referenced a report written by Wesley Webb, P.E. for the City of
40 Kannapolis and based upon the report asked that a couple conditions be placed upon the proposed boundary
41 adjustment:

- 42 1. Construction of the grocery store cannot begin until documentation has been provided showing that
- 43 flow of stormwater runoff is directed away from Lake Concord Watershed, and
- 44 2. Submittal of documentation to the Planning Department showing that completed conditions match
- 45 what was proposed.

46
47 Mr. Sharpe voiced concern regarding the capture of stormwater runoff, redirecting that runoff away from
48 the Watershed Protected Area, and the size of the retention ponds. Chairman Parker stated that the
49 Applicant will still need to submit site plans and documentation to the Planning Department for final
50 approval before construction can begin and feels like the same concerns will be addressed.

1 Attorney Safrit asked Mr. Sharpe if he was an Engineer? Mr. Sharpe responded that he was a Design
2 Engineer for about 25 or 30 years. Attorney Safrit asked if he was reading excerpts from the UDO? Mr.
3 Sharpe stated that he was referencing a report written by Wesley Webb regarding the proposed
4 modification. Attorney Safrit stated that Mr. Webb will be reviewing site plans after the grading has been
5 completed.

6
7 There being no further questions or comments, Chairman Parker closed the Public Hearing at 6:35 PM.

8
9 Chairman Parker asked for a motion to either affirm or deny the modification to the Lake Concord
10 Watershed Critical Area boundary.

11
12 There was some discussion regarding the purpose behind the Applicant requesting approval from the Board
13 prior to completing grading. Attorney Safrit stated that Mr. Sharpe made a valid point in that the work
14 should be certified that it was completed per the Applicant's proposal.

15
16 Chairman Parker asked if the modification would be completed prior to or after receiving approval from
17 Planning and Zoning Commission? Planning Director, Zac Gordon, provided explanation as to the process.

18
19 Chairman Parker asked for a motion to accept the City's exhibit's into record which was made by Mr.
20 Farmer, seconded by Mr. Hardin and the motion was unanimously approved.

21
22 Attorney Safrit asked to submit Findings of Fact for the record prior to any additional motions and provided
23 the following findings:

- 24
25 1. Bohler Engineering NC, PLLC is the owner of the Property.
26 2. The Property is located within the land use planning jurisdiction of the City.
27 3. The Property is subject to the Watershed Protection Act (NCGS 243-5 et seq.) and the Kannapolis
28 Unified Development Ordinance ("UDO") (Article 4.16 et seq.)
29 4. The proposed boundary change has received preliminary approval of the NC Division of Energy,
30 Mineral and Land Resources.
31 5. Testimony was offered by the Project Engineer, Ben Lanzillotta who reviewed the attached survey
32 (the "Survey") and substantiated that the survey was based upon field and topographical conditions.
33 6. Project Engineer Ben Lanzillotta concurred with the accuracy of the survey and concluded that the
34 drainage from the Property was to Coddle Creek an unprotected stream.
35 7. Further testimony offered by the Project Engineer, Ben Lanzillotta, was competent evidence
36 identifying the current location of the Property boundaries and the actual boundaries of the
37 watershed protected area.

38
39 Mr. Farmer made a motion to accept the Findings of Fact as presented which was seconded by Mr. Meadows
40 and the motion was unanimously approved.

41
42 Chairman Parker asked for a motion to either affirm or deny the modification to the Lake Concord
43 Watershed Critical Area Boundary which was made by Mr. Farmer, seconded by Mr. Hardin and the motion
44 was unanimously approved.

45
46 Chairman Parker asked for a motion to approve, approve with conditions or deny the proposed location of
47 the Watershed Overlay District Boundary which was made by Mr. Farmer, seconded by Mr. Hardin and
48 the motion was unanimously approved.

49
50 Planning Director, Zac Gordon introduced Ryan Granata, Senior Planner with the City of Kannapolis
51 Planning Department.

1 **BOA-2016-04 – CERTIFICATE OF NONCONFORMITY ADJUSTMENT (CONA)**

2 Senior Planner, Ryan Granata, gave a PowerPoint presentation regarding a request for a Certificate of
3 Nonconformity Adjustment (“CONA”). The applicant, Alpeshkumar Patel (the “Applicant”), is requesting
4 a CONA to permit a non-conforming truck rental use at his existing convenience store with gas sales. The
5 property is located at 2500 Main Street and is further identified as Cabarrus County PIN #5612-76-5216.
6 The property is zoned RM-2 (Residential Medium Density) and is approximately 1 acre.
7

8 Mr. Granata directed attention to the aerial and current zoning maps for the subject property as well as the
9 Future Land Use Map. He explained that the existing gas station located on the site is considered a legal
10 nonconforming use since it was established prior to adoption of the UDO. The truck rental began operating
11 in August 2015 so it would not be considered nonconforming. Mr. Granata stated that Mr. Patel rents both
12 moving trucks and trailers and has an inventory of about six (6) to ten (10) vehicles. According to the 2015
13 Land Use Plan, the property is designated to be rezoned C-1 – Light Commercial but even then, a truck
14 rental business is not permitted in the C-1 Zoning District and is only permitted in the C-2 – General
15 Commercial or I-1 – Light Industrial Zoning Districts.
16

17 Mr. Granata directed attention to a site plan submitted by the Applicant which shows proposed parking on
18 the subject property for both the trailers and the moving trucks. Mr. Granata stated that Article 13 of the
19 UDO states that a Nonconforming Use may be changed to another Nonconforming Use which more closely
20 approximates permitted uses in the Zoning District, with respect to scale and intensity of use, upon issuance
21 of a CONA. The UDO further states that a CONA shall be required to enlarge, expand or otherwise alter
22 any Nonconforming Use or Structure and that the Board may issue a CONA based upon the following
23 criteria and Staff findings:
24

25 **1. Noise – Does the nonconformity create noise above and beyond levels considered normal**
26 **to the area?**

27 The applicant has been operating the truck rental business since August 2015. According to
28 aerial imagery, the gas station on site has been constructed since the early 1970’s. While there
29 has been an expansion of the gas station business, due to the addition of the truck rental use,
30 staff does not believe that an increase of noise beyond levels considered normal for the area
31 has been generated.
32

33 **2. Traffic – Does the nonconformity generate or have the potential to generate a**
34 **significantly higher volume of traffic than surrounding land use?**

35 The subject site, while zoned “RM-2”, is located along the South Main Street corridor which is a
36 mixture of residential and commercial uses. A truck rental business is not anticipated to generate a
37 significant increase in traffic over the existing gas station use.
38

39 **3. Other measurable physical effects – Does the nonconformity generate any other negative**
40 **effects including, but not limited to: dust, air, pollution, foul smell, etc.?**

41 The truck rental use does have the potential to generate negative effects with dust and mud if
42 the trucks are not parked on a paved surface. Section 5.6.3.3 of the UDO requires that all
43 outdoor vehicle display areas shall be paved.
44

45 **4. Surrounding property values – Does the nonconformity detract from the prevailing**
46 **property values?**

47 A review of the County tax assessor records does not appear to indicate a decline in property
48 value for properties adjacent to the subject site, when compared to other properties in the area
49 with a small segment of built facilities, and associated grading.
50

1 **5. Aesthetics – Does the nonconformity compliment or detract from the overall aesthetic**
2 **character of the area?**

3 The addition of moving trucks and trailers being stored adjacent to a residential
4 neighborhood as well as a main thoroughfare may detract from the overall aesthetic
5 character of the area. Furthermore, the least intensive zoning district that this use
6 would be allowed by right is the “C-2” district. Typically, this use in a “C-2” district
7 would include a Type 3 buffer yard (ranging from 15 to 30 feet wide, depending on
8 the amount of plantings) adjacent to single-family residential.
9

10 Based upon assessment of the above criteria as well as a determination that the truck rental use is not
11 considered a legal nonconforming use, Staff recommends denial of BOA-2016-04. If the Board decides to
12 approve the CONA, Staff recommends the following conditions:
13

- 14 1. There be no further expansion of the applicant’s truck rental business without the necessary
15 approvals;
- 16 2. The parking/storage area for the truck rental is paved in accordance with the requirements of the
17 UDO, and that no trucks are to be stored on the grass or gravel area;
- 18 3. A Type 3 buffer yard is installed along the western property line of the site adjacent to the single-
19 family residential; and
- 20 4. The perimeter of the parking/storage area for the truck rental is landscaped in accordance with the
21 parking lot yard and street yard standards as referenced in Article 7 of the UDO.
22

23 Mr. Granata reminded the Board of the actions required and further reminded them that the Board may
24 impose such reasonable conditions as will ensure that the use of the property to which the CONA applies
25 will be as compatible as practicable with the surrounding properties. Any approval granted will “run with
26 the land” and subject all future property owners to the same restrictions. Mr. Granata made himself
27 available for questions.
28

29 Mr. Gordon reminded the Board that no one has been sworn in to provide testimony and that needs to be
30 completed prior to any further testimony.
31

32 **SWORN IN FOR TESTIMONY**

33 Staff members Zac Gordon and Ryan Granata, and Alpeshkumar Patel.
34

35 There being no further questions or comments for Staff, Chairman Parker open the Public Hearing at 6:55
36 PM.
37

38 Al Patel, 2500 Main Street, cited other properties around the City with unpaved parking lots and asked why
39 they were allowed to remain? Chairman Parker responded that some areas are grandfathered because they
40 were in existence prior to the adoption of the UDO.
41

42 There being no further questions for staff, Chairman Parker closed the Public Hearing at 6:56 PM.
43

44 Chairman Parker asked for a motion to accept the City’s exhibit’s into record which was made by Mr.
45 Farmer, seconded by Mr. Craft and the motion was unanimously approved.
46

47 Chairman Parker asked for a motion to approve or revise the findings of fact proposed by Staff which was
48 made by Mr. Craft, seconded by Mr. Farmer and the motion was unanimously approved.
49

50 Chairman Parker asked for a motion to approve, approve with conditions or deny the issuance of the CONA.
51

1 Attorney Safrit asked Mr. Granata if the testimony he provided was consistent with the oath he took after
2 the fact? Mr. Granata responded "yes".
3

4 Chairman Parker asked for a motion to approve, approve with conditions or deny the issuance of the CONA.
5 Mr. Craft made a motion to deny the CONA request which was seconded by Mr. Baker and the motion was
6 unanimously approved.
7

8 **SWORN IN FOR TESTIMONY (Case BOA-2016-05 and BOA-2016-07)**

9 Staff member Zac Gordon and Brian Kanoff of Casco Signs.
10

11 **BOA-2016-05 – CERTIFICATE OF NONCONFORMITY ADJUSTMENT (CONA)**

12 Planning Director, Zac Gordon, gave a PowerPoint presentation regarding a request for a Certificate of
13 Nonconformity Adjustment ("CONA"). The applicant, Casco Signs (the "Applicant"), is requesting a
14 CONA to permit a non-conforming wall sign for the Food Lion store #755. The property is located at 1746
15 South Cannon Boulevard and is further identified as Cabarrus County PIN #5623-00-2124. The property
16 is zoned C-2 (General Commercial). The proposed wall sign is 134.83 sf and the current wall sign size is
17 304.75 square feet.
18

19 Mr. Gordon reminded staff that this request is similar to a previous request the Board approved earlier in
20 the year and further explained that Food Lion is in the process of upfitting (interior) all of their stores. He
21 directed attention to the aerial and current zoning maps for the subject property as well as the Future Land
22 Use Map. Mr. Gordon directed attention to a sign rendering which depicts the current sign as well as the
23 proposed sign and stated that the Applicant is requesting a wall sign measuring 134.83 sf. The current wall
24 sign, which is legally nonconforming since it was in place prior to adoption of the UDO, measures 304.75
25 sf but according to Article 12, Table 12.1-3, a maximum wall sign of 120 sf is permissible. He noted that
26 the Applicant is requesting a sign which is approximately 169 sf smaller than the existing sign.
27

28 Mr. Gordon stated that Article 13 of the UDO states that a CONA shall be required to enlarge, expand or
29 otherwise alter any Nonconforming Use or Structure and that the Board may issue a CONA based upon the
30 following criteria and Staff findings:
31

32 1. **Noise – Does the nonconformity create noise above and beyond levels considered normal**
33 **to the area?**

34 There are no anticipated noise impacts associated with the proposed sign.
35

36 2. **Traffic – Does the nonconformity generate or have the potential to generate a**
37 **significantly higher volume of traffic than surrounding land use?**

38 The proposed sign will have no impact on the volume of traffic to and from the site.
39

40 3. **Other measurable physical effects – Does the nonconformity generate any other negative**
41 **effects including, but not limited to: dust, air, pollution, foul smell, etc.?**

42 No negative effects are anticipated to result from the proposed sign.
43

44 4. **Surrounding property values – Does the nonconformity detract from the prevailing**
45 **property values?**

46 The proposed sign should not detract from (and perhaps enhance) adjoining property values.
47

48 5. **Aesthetics – Does the nonconformity compliment or detract from the overall aesthetic**
49 **character of the area?**

50 The proposed sign should complement the overall aesthetic character of the area.
51

1 Based upon assessment of the above criteria, Staff recommends approval of BOA-2016-05 for a wall sign
2 measuring 134.83 sf, consistent with the sign plan submitted as part of the Applicant's CONA request.

3
4 There being no further questions or comments for staff, Chairman Parker opened the Public Hearing at 7:09
5 PM.

6
7 Brian Kanoff, 119 Wilshire Avenue, Concord, thanked the Board for their time and explained that Food
8 Lion is attempting to rebrand their stores and has submitted the CONA request in the spirit of the UDO and
9 made himself available for questions.

10
11 There being no further questions or comments, Chairman Parker closed the Public Hearing at 7:11 PM.

12
13 Chairman Parker asked for a motion to accept the City's exhibit's into the record which was made by Mr.
14 Farmer, seconded by Mr. Meadows and the motion was unanimously approved.

15
16 Chairman Parker asked for a motion to approve the Findings of Fact as presented by Staff which was made
17 by Mr. Meadows, seconded by Mr. Baker and the motion was unanimously approved.

18
19 Chairman Parker asked for a motion to approve, approve with conditions or deny the issuance of the CONA.
20 Mr. Farmer made a motion to approve the CONA request as presented which was seconded by Mr. Baker
21 and the motion was unanimously approved.

22
23 **BOA-2016-07 – CERTIFICATE OF NONCONFORMITY ADJUSTMENT (CONA)**

24 Planning Director, Zac Gordon, gave a PowerPoint presentation regarding a request for a Certificate of
25 Nonconformity Adjustment ("CONA"). The applicant, Casco Signs (the "Applicant"), is requesting a
26 CONA to permit a non-conforming wall sign for the Food Lion store #1284. The property is located at
27 2825 North Cannon Boulevard and is further identified as Rowan County PIN #133-055. The property is
28 zoned C-2 (General Commercial). The proposed wall sign size is 134.83 sf and the current wall sign is
29 430.22 sf.

30
31 Mr. Gordon directed attention to the aerial and current zoning maps for the subject property as well as the
32 Future Land Use Map. He directed attention to a sign rendering which depicts the current sign as well as
33 the proposed sign and stated that the Applicant is requesting a wall sign measuring 134.83 sf. The current
34 wall sign, which is legally nonconforming since it was in place prior to adoption of the UDO, measures
35 430.22 sf but according to Article 12, Table 12.1-3 of the UDO, a maximum wall sign of 120 sf is
36 permissible. Mr. Gordon noted that the Applicant is requesting a sign which is approximately 295 sf smaller
37 than the existing sign.

38
39 Mr. Gordon stated that Article 13 of the UDO states that a CONA shall be required to enlarge, expand or
40 otherwise alter any Nonconforming Use or Structure and that the Board may issue a CONA based upon the
41 following criteria and Staff findings:

42
43 **1. Noise – Does the nonconformity create noise above and beyond levels considered normal to**
44 **the area?**

45 There are no anticipated noise impacts associated with the proposed sign.

46
47 **2. Traffic – Does the nonconformity generate or have the potential to generate a significantly**
48 **higher volume of traffic than surrounding land use?**

49 The proposed sign will have no impact on the volume of traffic to and from the site.

50
51 **3. Other measurable physical effects – Does the nonconformity generate any other negative**
52 **effects including, but not limited to: dust, air, pollution, foul smell, etc.?**

53 No negative effects are anticipated to result from the proposed sign.

1 4. **Surrounding property values** – Does the nonconformity detract from the prevailing property
2 values?

3 The proposed sign should not detract from (and perhaps enhance) adjoining property values.
4

5 6. **Aesthetics** – Does the nonconformity compliment or detract from the overall aesthetic
6 character of the area?

7 The proposed sign should complement the overall aesthetic character of the area.
8

9 Based upon assessment of the above criteria, Staff recommends approval of BOA-2016-07 for a wall sign
10 measuring 134.83 sf, consistent with the sign plan submitted as part of the Applicant's CONA request.
11

12 There being no further questions or comments, Chairman Parker closed the Public Hearing at 7:22 PM.
13

14 Chairman Parker asked for a motion to accept the City's exhibit's into the record which was made by Mr.
15 Farmer, seconded by Mr. Baker and the motion was unanimously approved.
16

17 Chairman Parker asked for a motion to approve the Findings of Fact as presented by Staff which was made
18 by Mr. Farmer, seconded by Mr. Meadows and the motion was unanimously approved.
19

20 Chairman Parker asked for a motion to approve, approve with conditions or deny the issuance of the CONA.
21 Mr. Farmer made a motion to approve the CONA request as presented which was seconded by Mr.
22 Meadows and the motion was unanimously approved.
23

24 Chairman Parker recognized Anita Byers of Chapel Street for public comment. Ms. Byers voiced concern
25 regarding the fact that there were properties near the Food Lion store on North Cannon Boulevard that were
26 not notified regarding the CONA request. Chairman Parker explained that property owners that are affected
27 by each case are notified by letter as well as a sign being posted on the property. After continued discussion
28 on the issue, Chairman Parker suggested that Ms. Byers contact the Planning Department to discuss further.
29

30
31 **ORDERS FOR APPROVAL**
32

33 **BOA-2016-01 – Conditional Use Permit – Concrescere Comprehensive Sign Package** – This Order is
34 for Approval of a Conditional Use Permit (CUP) for a Comprehensive Sign Package by the applicant, Keith
35 Wayne for property located at 357 Concrescere Parkway and is more specifically identified as Cabarrus
36 County PIN #4673-56-1326, 4673-56-8723, & 4673-47-7388. The property is zoned CD – Campus
37 Development.
38

39 Chairman Parker asked for a motion to approve the Order for BOA-2016-01 which was made by Mr.
40 Meadows, seconded by Mr. Wilson and the motion was unanimously approved.
41

42 **BOA-2016-02 – Variance – RSOD – Royal Oaks Elementary School** – This Order is for the approval of
43 a Variance to the River/Stream Overlay District (RSOD). The applicant, Dave Burnett, requested a variance
44 from the provisions of Section 14.5 of the UDO to allow for a reduction in the RSOD (buffer and vegetative
45 setback) in order to accommodate play fields and associated erosion control. The property is located at 608
46 Dakota Street and is further identified as Cabarrus County PIN #5612-98-6164. The property is zoned RM-
47 2 – Residential Medium Density.
48

49 Chairman Parker asked for a motion to approve the Order for BOA-2016-02 which was made by Mr.
50 Farmer, seconded by Mr. Baker and the motion was unanimously approved.
51

1 **OTHER BUSINESS**

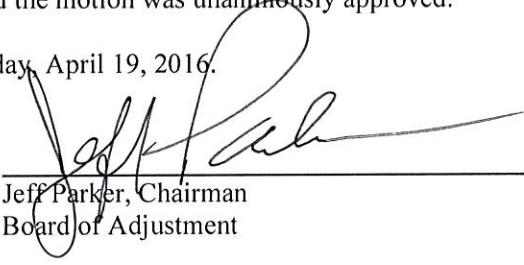
2 Mr. Gordon stated that there are no cases scheduled for May so he is going to try to schedule training for
3 the Board and will communicate confirmation of training as soon as possible.
4

5 **ADJOURN**

6 There being no further questions or comments, Chairman Parker asked for a motion to adjourn which was
7 made by Mr. Farmer, seconded by Mr. Baker and the motion was unanimously approved.
8

9 The meeting was adjourned at 7:31 PM on Tuesday, April 19, 2016.
10

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16
17 Pam Scaggs, Clerk to the Board
18 Board of Adjustment



Jeff Parker, Chairman
Board of Adjustment